

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION

FILED  
U.S. DISTRICT COURT  
ATLANTA  
10/10/2012

2012 OCT 10 AM 9:10

CLERK *C. R. W.*  
SD. DIST. OF GA.

MICHAEL DEREK VONN FOSTER,

Petitioner,

v.

CIVIL ACTION NO.: CV212-099

TOM GRAMIACK, Warden, and  
ATTORNEY GENERAL OF THE  
STATE OF GEORGIA,

Respondents.

ORDER

After an independent review of the record, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court.

Respondent's Motion to Dismiss is **GRANTED**. The Petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254, is **DISMISSED**, as untimely filed. The Clerk of Court is hereby authorized and directed to enter an appropriate Judgment of Dismissal.

SO ORDERED, this 10 day of October, 2010.

*[Handwritten signature of USA Godbey Wood, Chief Judge]*  
USA GODBEY WOOD, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA